

WEDNESDAY, FEBRUARY 1, 1995

THIRD LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with a prayer by the Rev. Gary Sears of Mt. Olive Church of God, Cleveland, Tennessee.

Representative Bird led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie., Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

ENROLLED BILLS
January 31, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 2, 3, 4,11 and House Resolution(s) No(s). 1.

BETTY KAY
FRANCIS, Chief Engrossing Clerk.

SIGNED
January 31, 1995

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 2, 3, 4,11 and House Resolution(s) No(s). 1.

BETTY KAY
FRANCIS, Chief Engrossing Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

* House Resolution No. 3 -- Ethics - Adopts ethics code for house of representative by *Kisber, *Kent, *Cole (Carter), *DeBerry L, *Byrd, *Rinks, *Hassell, *Bragg, *Purcell, *Bittle, *Wood, *Pinion.

State and Local Government Committee

*House Joint Resolution No. 39 -- Memorials, Congress - Urges maintenance of funds for public television programming. by *Odom.

Commerce Committee

*House Joint Resolution No. 41 -- Memorials, Congress - Claims Tennessee's sovereignty under Tenth Amendment to U.S. Constitution over all powers not otherwise enumerated and granted to federal government by U.S. Constitution. by *Boyer, *Dunn, *Williams (Union), *Roach.

House Joint Resolution No. 42 -- Naming and Designating - "Franklin County Treasures," Eleanor Barnes Murray, official poem of Franklin County by *Rigsby.

State and Local Government Committee

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, February 2, 1995:

House Resolution No. 4 -- Memorials, Death -- Patrick Carl Mark MacLeod. by *Herron.

House Resolution No. 5 -- Memorials, Death -- Jennifer Melton. by *Herron.

House Joint Resolution No. 36 -- Memorials, Public Service -- John M. Jones, recipient, Robert C. Austin Distinguished Service to the Community Award. by *Davis, *Whitson.

House Joint Resolution No. 37 -- Memorials, Professional Achievement -- Kay Leonard, 1994 recipient, "C. Hal Henard Distinguished Service Award." by *Davis, *Whitson.

House Joint Resolution No. 38 -- Memorials, Professional Achievement -- Andrew Renner, Sr. by *Davis.

House Joint Resolution No. 40 -- Memorials, Death -- Loyd O. Matlock. by *Rinks, *Walley.

House Joint Resolution No. 43 -- Memorials, Public Service -- Shelby County Chapter of the Links, Inc., Tenth Anniversary. by *DeBerry L, *Bowers, *Miller, *DeBerry J, *Jones U (Shelby), *Jones R (Shelby), *Towns.

House Joint Resolution No. 45 -- Memorials, Public Service -- Richard M. Riebeling, Commissioner of Economic and Community Development. by *Kisber, *Jones R (Shelby), *Bragg, *Turner (Hamilton), *Garrett.

House Joint Resolution No. 46 -- Memorials, Recognition and Thanks -- Annesdale Cherokee Missionary Baptist Church. by *Brooks, *Kernell, *DeBerry L, *Turner (Shelby), *Brown, *Miller.

House Joint Resolution No. 48 -- Memorials, Death -- Rosemary Moxley Bigham. by *Herron.

House Joint Resolution No. 49 -- Memorials, Retirement - Nashville Metro Councilman Tandy Wilson. by West, *Langster, *Garrett, *Haltzman Harwell, *Arriola, *Pruitt, *Jones S, *Purcell, *Robinson, *Odom.

House Joint Resolution No. 51 -- Memorials, Recognition and Thanks -- Charles Hammontree, youth athletics. by *Gunnels.

SENATE JOINT RESOLUTIONS
(Congratulatory And Memorializing)

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, February 2, 1995:

Senate Joint Resolution No. 5 -- Memorials, Death -- Corinne Franklin. by *Henry, *Haynes.

Senate Joint Resolution No. 10 -- Memorials, Sports -- Harriman High School football Team, 1994 TSSAA state runners-up. by *O'Brien.

Senate Joint Resolution No. 14 -- Memorials, Professional Achievement - Pulaski Mayor Dan Speer, "Mayor of the Year". by *Cooper, *Kyle, *Henry, *Cohen.

RESOLUTIONS LYING OVER

On motion, the resolution(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 13 -- Naming and Designating -- Recommends governor to proclaim April 22, 1995 as "Youth Service Day". by *Cooper, *Crowe, *Kyle, *Womack.

State and Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 125** -- DUI/DWI Offenses -- Creates presumption that after person's second or subsequent DUI such person should be ordered to only operate motor vehicle equipped with ignition interlock device. Amends TCA Title 55, Chapter 10, Part 4. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Haltzman Harwell.

***House Bill No. 126** -- DUI/DWI Offenses -- Authorizes judge to sentence first time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Title 55, Chapter 10, Part 4. by *Herron.

***House Bill No. 127** -- DUI/DWI Offenses -- Lowers from .10 to .08 percentage of alcohol in person's blood at which such person is presumed to be operating motor vehicle under influence of intoxicant; makes .08 presumption regardless of number of prior convictions. Amends TCA Title 55, Chapter 10, Part 4. by *Herron.

***House Bill No. 128** -- Garnishments and Executions -- Creates presumption that judge will order income assignment to pay court costs and fine when person convicted of DUI; gives such assignment priority above everything but child support. Amends TCA Title 55, Chapter 10, Part 4. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell.

***House Bill No. 129** -- Correctional Programs -- Revises present law to permit any county to establish work release program meeting certain specifications for second offense DUI offenders instead of limiting program to Davidson County. Amends TCA Title 41, Chapter 2, Part 1; Title 55, Chapter 10, Part 4. by *Herron.

***House Bill No. 130** -- Driver Licenses -- Provides for immediate seizure and administrative review and revocation of driver license of persons driving under influence of an intoxicant. Amends TCA Title 55, Chapter 50. by *Herron.

***House Bill No. 131** -- Sentencing -- Requires judge to be aware of defendant's driver history, if one exists, prior to acceptance of guilty plea for DUI violation. Amends TCA Title 55, Chapter 10, Part 4. by *Herron, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell.

***House Bill No. 132** -- Criminal Procedure -- Provides alternative consolidated procedure for finding person to be motor vehicle habitual offender. Amends TCA Title 55, Chapter 10, Part 6. by *Herron, *Williams (Williamson), *Jackson, *Buck, *Ridgeway, *Pinion, *Curtiss, *Fitzhugh, *McDonald, *West, *Shirley, *Haley, *Miller, *Williams (Union), *Hassell, *Tindell, *DeBerry J, *Halteman Harwell.

***House Bill No. 133** -- Traffic Safety -- Requires all children between four and 12 years of age, inclusive, to be restrained by safety belts whenever passenger vehicle is in forward motion; restates exception from such requirement for children who are riding in cargo area of pickup truck. Amends TCA Title 55, Chapter 9, Part 6. by *Herron.

***House Bill No. 134** -- Malpractice, Professional -- Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by *Herron.

***House Bill No. 135** -- Highway Signs -- "Private Leslie P. Bottoms Memorial Highway," "J.W. Morris Memorial Bridge" and "Jimmy Ray Orr Memorial Bridge," S.R. 103, Dyer County. by *Cole (Dyer).

***House Bill No. 136** -- Utilities, Utility Districts -- Increases membership of board for Crockett Mill Public Utility District from three to five. Amends TCA Title 7, Chapter 82. by *Cole (Dyer).

***House Bill No. 137** -- Minors, Gifts to -- Permits custodianship of minor's property to terminate after minor attains age of 21 if specifically provided for in gift instrument. Transfer may take place anytime before the age of 25. Amends TCA Title 35, Chapter 7, Part 2. by *Cole (Dyer).

House Bill No. 138 -- Tort Liability -- Grants immunity to law enforcement personnel for injuries sustained by third parties that are caused by person unlawfully fleeing pursuit by such personnel; decision to initiate or continue pursuit not deemed proximate cause of accident caused by fleeing suspect. Amends TCA 558-108. by *Kent.

House Bill No. 139 -- Arrests -- Increases penalty for evading arrest from Class A misdemeanor to Class E felony. Amends TCA 39-16-603. by *Kent.

House Bill No. 140 -- Criminal Offenses -- Increases penalty for fleeing from law enforcement officer in a motor vehicle and makes vehicle used to commit the offense subject to forfeiture. Amends TCA Title 39, Chapter 16, Part 6; Title 40, Chapter 33, Part 2. by *Kent.

House Bill No. 141 -- DUI/DWI Offenses -- Changes elements of offense of driving under the influence of intoxicant to provide that BAC of .10 percent is per se violation of statute. Amends TCA Title 55, Chapter 10, Part 4. by *Herron.

***House Bill No. 142** -- Driver Licenses -- Provides for exclusive issuance of driver licenses to minors that restrict minors' driving privileges to between 6:00 AM and 9:00 PM, unless minor is driving directly to work or school, or there is medical emergency. Amends TCA Title 55, Chapter 50, Part 3. by *Herron.

***House Bill No. 143** -- Driver Licenses -- Establishes exclusive system for issuance of restricted driver licenses to minors. Amends TCA Title 55, Chapter 50, Part 3. by *Herron.

***House Bill No. 144** -- Attorneys at Law -- Restricts attorney contact with prospective clients; imposes criminal penalties for failure to comply. Amends TCA Title 23, Chapter 3. by *Herron.

House Bill No. 145 -- Appeal and Review -- Allows circuit court to remove monetary limits imposed upon de novo appeals from general sessions courts. Amends TCA 16-15-729. by *Herron.

***House Bill No. 146** -- Guardianship -- Provides for standby guardianship. Amends TCA Titles 34, Title 37. by *Herron.

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***House Bill No. 147** -- Highway Signs -- "Edwin Marlin Baker, Sr., Memorial Highway," portion of SR 224, Michie. by *Rinks.

House Bill No. 148 -- Firearms and Ammunition -- Authorizes retired state, county, municipal, or federal judges or magistrates to possess and carry weapons; adds these officials to present law creating defense for unlawful carrying or possession of weapon. Amends TCA 39-17-1308. by *Stulce, *Rhinehart.

House Bill No. 149 -- Highway Signs -- "Chattanooga V.A. National Cemetery," I24 and I-124 (U.S. 27). by *Stulce.

House Bill No. 150 -- Municipal Government -- Extends terms of incumbent Chattanooga city school board members because of 1997 consolidation with county system; members in office at time of charter vote shall remain until repeal takes effect unless intervening period is more than 3 years. Amends TCA Title 6, Chapter 53, Part 1. by *Stulce.

House Bill No. 151 -- Insurance, Health, Accident -- Mandates coverage on and after 7/1/95 for phenylketonuria (PKU) treatment and formulas; treatment means licensed professional medical services under supervision of physician and special dietary formulas which are medically necessary for therapeutic treatment. Amends TCA Title 56, Chapter 7, Part 25. by *Stulce.

House Bill No. 152 -- Salaries and Benefits -- Authorizes eligible full time state employees with 36 months of full time service to receive longevity pay for part time work if hours of part time work are equivalent to not less than five years. Amends TCA 8-23-206. by *Stulce.

House Bill No. 153 -- Motor Vehicles, Titling and Registration -- Adds vehicles that transport "coal ash" to category of vehicles that transport certain materials and are permitted to register as either Class 9 or Class 10 vehicles, according to size. Amends TCA 554-124. by *Stulce, *Rhinehart.

House Bill No. 154 -- Pensions and Retirement Benefits -- Permits former and current county election commission members to establish time as creditable service for computation of retirement benefits. Amends TCA Title 8, Chapter 35, Part 2. by *Stulce, *Rhinehart.

House Bill No. 155 -- Law Enforcement -- Deletes requirement that house and senate members of peace officer standards and training commission be nonvoting members. Amends TCA Title 38, Chapter 8. by *Rhinehart.

House Bill No. 156 -- Wildlife Resources Commission -- Adds two additional members to commission to be appointed by speakers of house and senate to serve two year terms, may succeed themselves. Amends TCA 701-201, 204. by *Rhinehart.

House Bill No. 157 -- Hospitals and Health Care Facilities -- Permits commission to review certificates of need every five years and to hold hearing for holder to demonstrate continued need. Amends TCA Titles 33; 47; 48; 68. by *Rhinehart.

*House Bill No. 158 -- Taxes, Privilege -- Exempts from \$200 professional tax health care professionals who perform volunteer services for not-for-profit outpatient health care center. Amends TCA 67-4-1702. by *Dunn, *Burchett, *Bittle, *Cantrell, *Westmoreland, *Shirley, *Ramsey, *Armstrong, *Boyer, *Tindell, *Ritchie, *Venable, *Chumney.

*House Bill No. 159 -- Penal and Reformatory Institutions -- Prohibits penitentiaries from providing exercise equipment or martial arts, boxing, wrestling, or similar programs for inmates. Amends TCA Title 41, Chapter 21, Part 2. by *Dunn.

*House Bill No. 160 -- Animals -- Makes unlawful possession, use or training of cats for purpose of fighting or baiting another animal. Amends TCA 39-14-203. by *Kent.

*House Bill No. 161 -- Highway Signs -- Cheekwood, I40 and Highway 100, Davidson County. by *Robinson.

*House Bill No. 162 -- Law Enforcement -- Permits municipal and county law enforcement agencies to use vehicles seized and forfeited for violations of drug law for law enforcement purposes for period not to exceed five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 53, Chapter 11, Part 2. by *Westmoreland, *Venable, *Boyer.

*House Bill No. 163 -- Firefighters -- Adds chief of any private or volunteer fire department authorized by legislative body of county to those persons who can act as advisor on fire safety matters to commissioner of commerce and insurance. Amends TCA Section 68-102-108. by *Stulce.

*House Bill No. 164 -- Rossville -- Subject to local approval, moves city election date from second Monday in April to November general election in even numbered years. Amends Chapter 78, Private Acts of 1991. by *Walley.

*House Bill No. 165 -- Custody and Support -- Grants noncustodial parent presumption that certain visitation rights will be granted unless evidence demonstrates visitation will not be in child's best interest. Amends TCA Title 36, Chapter 6, Part 1. by *Walley.

*House Bill No. 166 -- Sexual Offenses -- Includes lascivious exhibition of breasts within definition of "sexual activity" for purposes of Tennessee Protection of Children Against Sexual Exploitation Act of 1990. Amends TCA Title 39, Chapter 17, Part 10. by *Purcell, *Cole (Carter).

*House Bill No. 167 -- TennCare -- Designates TBI as state fraud control unit to investigate criminal fraud in TennCare program in same manner and to same extent claims are investigated in Medicaid program as required by federal law. Amends TCA Title 38, Chapter 6 and Title 71, Chapter 5. by *Joyce.

*House Bill No. 168 -- Professions and Occupations -- Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63. by *Wood.

***House Bill No. 169** -- Annexation -- Requires, before municipal annexation effective, approval by referendum of affected property owners if proposed annexation affects more than one quarter square mile or 500 additional residents. Amends TCA Section 6-51-102. by *Wood.

***House Bill No. 170** -- Sentencing -- Requires person convicted of vehicular homicide resulting from intoxication to serve mandatory minimum sentence of one year Amends TCA 39-13-213. by *Wood, *McAfee.

House Bill No. 171 -- Probate Law -- Allows venue for appointment and removal of probate trustees in county where any beneficiary of trust estate resides in addition to present law allowing venue where trustee resides or any portion of trust property is located. Amends TCA Section 35-1-102. by *Fowlkes.

***House Bill No. 172** -- Courts, Probate -- Allows chancery courts and courts with probate jurisdiction to appoint co-trustees as well as trustees. Amends TCA Section 35-1-101. by *Fowlkes.

***House Bill No. 173** -- Probate Law -- Allows employee to designate beneficiary to receive any unpaid wages or salary upon employee's death. Amends TCA 30-2-103. by *Fowlkes.

***House Bill No. 174** -- Motor Vehicles, Titling and Registration -- Allows for issuance of special license plates depicting Tennessee walking horse. Amends TCA Title 55, Chapter 4. by *Fowlkes, *Cole (Dyer), *Phelan, *Callicott.

***House Bill No. 175** -- Highways, Roads and Bridges -- Exempts Hawkins County from standard educational requirements imposed on county highway superintendent. Amends TCA Title 54, Chapter 7. by *Givens.

***House Bill No. 176** -- Hotels and Restaurants -- Increases minimum room requirement for bed and breakfast from four to six. Amends TCA Title 68, Chapter 14. by *Givens.

***House Bill No. 177** -- Education -- Requires full time public school nurse for each 3,000 students or one full time position for each local education agency, whichever is greater. Amends TCA Title 49, Chapter 3. by *Givens.

House Bill No. 178 -- Appropriations -- Restricts appropriation of funds for local projects. Amends TCA Title 9, Chapter 6. by *Rinks, *Head.

***House Bill No. 179** -- Criminal Offenses -- Elevates assault committed against person 60 years of age or older from simple misdemeanor assault to Class E felony aggravated assault. Amends TCA Title 39, Chapter 13, Part 1. by *Odom.

***House Bill No. 180** -- Annexation -- Extends time by which annexation ordinance becomes operative following ordinance's passage, from 30 to 45 days. Amends TCA Title 6. by *Odom.

***House Bill No. 181** -- Zoning -- Extends time by which county building commissioner is required to return certificate of compliance

to applicant for building permit, from ten to 30 days, following expiration of such permit. Amends TCA Title 13. by *Odom.

***House Bill No. 182** -- County Government -- Requires county attorney to advise elected county officials on application of laws relevant to duties of their offices. Amends TCA Title 5. by *Odom.

***House Bill No. 183** -- State Government -- Requires governor to propose legislation to reflect changes in government structure occurring pursuant to executive orders Amends TCA Title 4. by *Odom.

***House Bill No. 184** -- Civil Service -- Decreases from four months to 90 days time period in which rating of tests must be completed Amends TCA Title 8, Chapter 30. by *Odom.

***House Bill No. 185** -- Public Employees -- Requires commissioner of personnel and state treasurer to offer seminars on financial planning to state employees; commissioner of commerce and insurance and institutions of higher education to assist with program development. Amends TCA Title 8. by *Odom.

***House Bill No. 186** -- Metropolitan Government -- Changes allocation of tourist accommodation tax by allocating one third of tax presently designated for promotion of tourist activities to general fund. Amends TCA Title 7. by *Odom.

***House Bill No. 187** -- Metropolitan Government -- Permits park rangers employed by metropolitan government to be commissioned as law enforcement officers and to enforce state and local laws throughout jurisdiction of metropolitan government upon successfully completing training requirements of Jerry F. Agee Tennessee Law Enforcement Training Academy. Amends TCA Title 7, Chapter 3. by *Odom.

***House Bill No. 188** -- Election Laws -- Extends period county election commission is required to preserve paper ballots after election from six to eight years. Amends TCA Title 2. by *Odom.

***House Bill No. 189** -- Hazardous Materials -- Lengthens reinstatement period from 90 to 100 days for certain hazardous waste facilities permits. Amends TCA Title 68, Chapter 212. by *Odom.

***House Bill No. 190** -- Solid Waste Disposal -- Increases from \$1,000 to \$1,500 amount per acre that state may recover from local government affected adversely by improper solid waste disposal. Amends TCA Title 68, Chapter 211. by *Odom.

***House Bill No. 191** -- Welfare -- Changes deadline for commissioner of human services to report to governor and general assembly concerning results of annual market rate study of day care rates. Amends TCA Title 71. by *Odom.

***House Bill No. 192** -- Motor Vehicles -- Requires reporting of conviction of traffic offenses other than parking by school bus drivers, such conviction to be grounds for dismissal. Amends TCA Title 55. by *Odom.

***House Bill No. 193** -- Handicapped Persons -- Requires department of safety to maintain computer records of issuance of

parking placards and license plates to disabled persons in order to assist law enforcement officers. Amends TCA Title 55. by *Odom.

***House Bill No. 194** -- Gambling -- Provides that any funds derived from disposal of gambling devices not destroyed be deposited in state general fund. Amends TCA Title 4, Chapter 36; Title 29, Chapter 19; Title 39, Chapter 17; Title 40, Chapter 13; Title 40, Chapter 35; Title 62, Chapter 33. by *Odom.

***House Bill No. 195** -- Adoption -- Authorizes human services to compile statistical reports regarding adoption. Amends TCA 1610-08; 16-11-110; Title 36, Chapter 1; Title 36, Chapter 6; Title 37, Chapter 2; Title 37, Chapter 4; Title 56, Chapter 7; Title 68, Chapter 3; Title 71, Chapter 1; Title 71, Chapter 3. by *Odom.

***House Bill No. 196** -- General Assembly -- Provides that amount of fiscal note is presumed to be amount of first year's funding required by Constitution. Amends TCA Title 3. by *Odom.

***House Bill No. 197** -- General Assembly -- Requires members of general assembly to file amendments to disclosure statements within 90 days of change which requires amendment. Amends TCA Title 2, Chapter 10; Title 3; Title 8, Chapter 50. by *Odom.

***House Bill No. 198** -- Domestic Violence -- Protects confidentiality of persons staying at shelters for domestic violence. Amends TCA Title 36, Chapter 3; Title 71, Chapter 6. by *Odom.

***House Bill No. 199** -- Domestic Violence -- Authorizes judge to establish conditions of bail against person charged with domestic violence; provides that petitioner can apply for, receive, and enforce order of protection at no cost regardless of income; creates rebuttable presumptions against perpetrator of domestic violence in matter of child custody and visitation. Amends TCA Title 36, Chapter 3, Part 6; Title 36, Chapter 6 and Title 40, Chapter 11. by *Odom, *Jones S.

***House Bill No. 200** -- Abortion -- Authorizes commissioner of health to compile reports on abortion for statistical purposes only. Amends TCA 16-4-108; Title 34, Chapter 6; Title 37, Chapter 10; Title 39, Chapters 13, 15; Title 40, Chapter 35; Title 68, Chapter 11. by *Odom.

***House Bill No. 201** -- Education -- Requires school buses to display bumper sticker containing telephone number to be called if violations of traffic laws observed. Amends TCA Title 49. by *Odom.

***House Bill No. 202** -- Education, Higher -- Decreases from 45 to 30 days time period during which board must transmit record of proceeding to dismiss or suspend tenured faculty member to court for de novo hearing. Amends TCA Title 49. by *Odom.

***House Bill No. 203** -- Workers' Compensation -- Reduces threshold number of employees for including employer under workers' compensation law from five to four. Amends TCA Title 50, Chapter 6; Title 56. by *Odom.

***House Bill No. 204** -- Workers' Compensation -- Extends from ten to 15 days time period in which settlements of workers'

compensation cases must be forwarded by parties to division of workers' compensation. Amends TCA Title 50, Chapter 6, Part 2. by *Odom.

***House Bill No. 205** -- Commercial Code -- Requires warehouseman to wait 45 rather than 30 days after giving notice to remove goods prior to sale of such goods by warehouseman. Amends TCA Title 47. by *Odom.

***House Bill No. 206** -- Custody and Support -- Reduces from 45 to 30 days time period in which hearings on child support cases shall be held after service of process. Amends TCA Title 36. by *Odom.

***House Bill No. 207** -- Custody and Support -- Creates identification program in department of human services to publish and display posters of delinquent child support obligors in rest areas. Amends TCA Title 36, Chapter 5. by *Odom.

***House Bill No. 208** -- Ethics -- Requires disclosure of financial interests in and gifts from any entity seeking state contract by all state officials responsible for initiating such contracts. Amends TCA Title 12. by *Odom.

***House Bill No. 209** -- Telecommunications -- Adds cellular telephones to definition of "public utilities" that are regulated by public service commission. Amends TCA Title 65. by *Odom.

***House Bill No. 210** -- Highways, Roads and Bridges -- Increases time commissioner of transportation has to award bids for state highway projects from 30 to 45 days upon opening of sealed bids. Amends TCA Title 54. by *Odom.

***House Bill No. 211** -- Pensions and Retirement Benefits -- Authorizes payment of retirement benefits by automatic deposit in accordance with policies and procedures of board. Amends TCA Titles 34 -- 38. by *Odom.

House Bill No. 212 -- Medical Occupations -- Revises membership of board of occupational and physical therapists; revises renewal of memberships to be based on applicant's birth month and birth year. Amends TCA 6313-103, 303, 306. by *Odom, *Walley.

***House Bill No. 213** -- Aged Persons -- Enacts "Tennessee Continuing Care Provider Act." by *Kernell, *Chumney.

***House Bill No. 214** -- Jackson -- Subject to local approval, revises council district boundaries. Amends Chapter 101, Private Acts of 1993. by *Kisber, *McDaniel.

House Bill No. 215 -- Insurance Companies, Agents, Brokers -- Exempts insurance companies from franchise and excise taxes; removes related credit for premium taxes paid against franchise and excise taxes due. Amends TCA Titles 56, 67. by *Kisber.

***House Bill No. 216** -- Taxes -- Allows 20 percent credit on excise tax for costs of educational training for employees. Amends TCA Title 67. by *Kisber.

***House Bill No. 217** -- Boats, Boating -- Requires titling of watercraft. by *Rinks, *Kisber.

***House Bill No. 218** -- Managed Care Organizations -- Requires managed care organizations providing care in TennCare program to provide \$10,000 minimum term life insurance policy for elderly Medicare TennCare recipients. Amends TCA Title 56. by *Miller, *Jones U (Shelby), *Bowers, *Towns.

***House Bill No. 219** -- Taxes, Real Property -- Deletes requirement that property tax reimbursement for veterans who have 100 percent service connected disability must also be from combat related cause. Amends TCA 67-5-704. by *Phillips.

House Bill No. 220 -- Driver Licenses -- Allows intrastate driver of combustible liquids with monocular vision to receive commercial drivers license. Amends TCA Title 55, Chapter 50, Part 4. by *Phillips.

***House Bill No. 221** -- Contractors -- Decreases continuing education requirements for alarm system contractors from 16 hours annually for license renewal to 16 hours every five years; extends time period for submitting photo ID from one to five years. Amends TCA Title 62, Chapter 32, Part 3. by *Rinks.

***House Bill No. 222** -- Jails, Local Lock-ups -- Allows sheriff in all counties to appoint disciplinary panel that reviews revocation of sentence credits for rules' violations of inmates sentenced to county jails or workhouses. Amends TCA 41-2-111. by *Arriola.

***House Bill No. 223** -- Public Records -- Includes Shelby County, together with Knox and Davidson who are presently authorized to charge reasonable fee for copying computer generated maps that have commercial value; provided in Shelby County, county mayor, assessor of property or public records commission may establish fees subject to approval of county board of commissioners. Amends TCA Title 10. by *Haley.

***House Bill No. 224** -- Intergovernmental Relations -- Permits incorporated rescue squads that are not wholly supported by public funds to participate in interlocal agreements. Amends TCA Section 12-9-103. by *Westmoreland.

***House Bill No. 225** -- Funeral Directors and Embalmers -- Requires funeral directors to place permanent identification tag on body before placing it in casket or placing remains in cremation urn. Amends TCA 62-5-313, 317. by *Garrett.

***House Bill No. 226** -- Estates -- Increases from \$3,500 to \$5,000 amount of money bank may pay certain creditors when no executor or administrator of deceased bank depositor has qualified. Amends TCA 452-708. by *Garrett.

***House Bill No. 227** -- Vital Statistics -- Provides that entry of father's name and surname of child on birth certificate is optional where paternity of child is determined by court. Amends TCA 68-3-305. by *Odom.

House Bill No. 228 -- Workers' Compensation -- Permits injured employees to choose from TennCare physicians in addition to employer selected physicians. Amends TCA Title 50, Chapter 6; Title 71, Chapter 5. by *Odom.

House Bill No. 229 -- Mental Illness -- Removes requirement that at least one of required certificates of need committing person to private mental health facility come from professional not employee of such facility, if facility is academic health center affiliated with accredited private college of medicine. Amends TCA Title 33, Chapter 3, Part 1. by *Odom.

House Bill No. 230 -- Domestic Violence -- Enacts "Domestic and Family Violence Prevention Act of 1995." Amends TCA Titles 36, 39, 40. by *Odom, *Jones S.

House Bill No. 231 -- Alcoholic Beverages -- Extends period by which manufacturers or wholesale distributors of beer and/or any other such beverage are required to register with commissioner of revenue upon entering business from 20 to 25 days. Amends TCA Title 57. by *Odom.

House Bill No. 232 -- DUI/DWI Offenses -- Requires rather than authorizes judges to require interlock device to be installed if person is convicted of driving under the influence of intoxicant. Amends TCA Title 55, Chapter 10, Part 4. by *Odom, *Jones S.

House Bill No. 233 -- Business and Commerce -- Requires segregation of scrap metal for 20 rather than 15 days for inspection purposes. Amends TCA Title 62. by *Odom.

House Bill No. 234 -- Firearms and Ammunition -- Permits secure detention of juvenile prior to adjudication if probable cause to believe juvenile has committed delinquent act involving use or possession of firearm. Amends TCA 37-1-114. by *Odom.

House Bill No. 235 -- Juvenile Offenders -- Increases minimum notice to parents or guardians of hearing on whether to transfer child from juvenile court to be tried as adult from three to four days. Amends TCA Title 37. by *Odom.

House Bill No. 236 -- Insurance, Liability -- Extends time insurance company has to notify automobile liability policyholder that such company does not intend to renew policy, from 30 to 45 days. Amends TCA Title 56. by *Odom.

House Bill No. 237 -- Insurance, Health, Accident -- Enacts "Tennessee Affordable Health Insurance for Small Businesses Act of 1995." Amends TCA Title 56. Repeals TCA Title 56, Chapter 7, Part 22. by *Odom, *Jones S.

House Bill No. 238 -- Managed Care Organizations -- Limits employees of managed care organizations participating in TennCare to eligibility only for honorary awards in cost savings suggestion award program. Amends TCA Titles 56, 71. by *Odom.

House Bill No. 239 -- Managed Care Organizations -- Requires commissioner of health to appoint advisory committee to make

recommendations about TennCare contracting process by July 1, 1996. Amends TCA Titles 47, 56, 71. by *Odom.

***House Bill No. 240** -- TennCare -- Authorizes former state employees to join TennCare when COBRA benefits are exhausted. Amends TCA Title 8, Chapter 27; Title 12, Chapter 3; Titles 56, 68, 71. Amends TCA Title 8, Chapter 27; Title 12, Chapter 3; Title 56; Title 68 and Title 71. by *Odom.

***House Bill No. 241** -- Boards and Commissions -- Authorizes commissioner of insurance to establish five member advisory board to review consumer complaints about regulatory boards. Amends TCA Title 56. by *Odom.

***House Bill No. 242** -- Health -- Authorizes commissioner of health to appoint five member advisory board to review complaints about health related boards. Amends TCA Title 63. by *Odom.

***House Bill No. 243** -- Employees, Employers -- Requires employees to leave work premises within eight rather than 12 hours of leaving employment. Amends TCA Titles 4, 50. by *Odom.

***House Bill No. 244** -- Financial Disclosure -- Changes period of time for notification to candidate that disclosure statements have been inspected from three to five business days. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6. by *Odom.

***House Bill No. 245** -- Bond Issues -- Authorizes issuance of \$100 million bond issue for general government purposes. by *Odom.

***House Bill No. 246** -- Public Funds and Financing -- Requires comptroller to maintain liaison with political subdivisions and taxing districts to inform such entities about audit requirements. Amends TCA Title 9. by *Odom.

***House Bill No. 247** -- Taxes, Sales -- Decreases from 90 to 60 days time period during which commissioner can require delinquent dealer to post bond to guarantee payment of taxes. Amends TCA Title 67, Chapter 6. by *Odom.

***House Bill No. 248** -- Taxes, Income -- Requires commissioner of revenue to turn over taxes collected on the income from stocks and bonds to comptroller in 20 rather than 30 days. Amends TCA Title 67, Chapter 2. by *Odom.

***House Bill No. 249** -- Taxes, Franchise -- Raises regular job tax credit under franchise tax from \$2,000 to \$2,500 per full time employee job. Amends TCA Title 67, Chapter 4. by *Odom.

***House Bill No. 250** -- Taxes -- Changes time period for notifying assessor and paying taxes after selling or terminating business from 15 to 20 days. Amends TCA Title 67. by *Odom.

***House Bill No. 251** -- Public Records -- Requires that employees and members of boards and commissions be informed of their responsibilities under open records law. Amends TCA Title 10. by *Odom.

***House Bill No. 252** -- Lobbying, Lobbyists -- Changes period of time for notification to candidate that disclosure statements have been inspected from three to five business days. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by *Odom.

***House Bill No. 253** -- Sunshine Law -- Requires new members of boards and commissions to be notified of provisions of open meetings law. Amends TCA Title 8. by *Odom.

***House Bill No. 254** -- Banks and Financial Institutions -- Increases period for filing request for public hearing with commissioner of financial institutions on application for purchase of Tennessee bank or Tennessee bank holding company by Tennessee bank, Tennessee bank holding company or out-of-state holding company from 30 to 45 days. Amends TCA Title 45. by *Odom.

***House Bill No. 255** -- Corporations -- Extends effective period of appointments of proxies from 11 months to one year. Amends TCA Title 48. by *Odom.

***House Bill No. 256** -- Environmental Preservation -- Requires filing of well digger's report in 15 rather than 30 days. Amends TCA Title 69. by *Odom.

***House Bill No. 257** -- Game and Fish Laws -- Increases number of "Free Sport Fishing Days" from one to two. Amends TCA Title 70. by *Odom.

***House Bill No. 258** -- Environmental Preservation -- Extends time period during which orders of commissioner become final unless contested from 30 to 45 days. Amends TCA Titles 68, 69. by *Odom.

House Bill No. 259 -- Noise Pollution -- Excludes sports shooting range operators and users of such ranges from civil liability or criminal prosecution relative to noise pollution in certain cases. Amends TCA Title 39. by *Odom.

***House Bill No. 260** -- Environment and Conservation, Department of -- Increases time commissioner of environment and conservation has to complete plan of development and protection for natural area, from two to three years, after such area has been made part of system. Amends TCA Title 11. by *Odom.

***House Bill No. 261** -- Public Service Commission -- Changes reporting requirement to general assembly from biennial to annual report. Amends TCA Title 65. by *Odom.

***House Bill No. 262** -- Criminal Procedure -- Makes policy statement that alternatives to incarceration are not appropriate if second or subsequent offender has caused personal injury while committing crimes. Amends TCA Titles 38 - 41. by *Odom.

***House Bill No. 263** -- Judges and Chancellors -- Requires municipalities to reimburse counties for use of general sessions judge to sit as municipal judge, compensation to be equal to compensation of municipal judge. Amends TCA Title 16. by *Odom.

***House Bill No. 264** -- Penal and Reformatory Institutions -- Authorizes county legislative body to appoint not more than five residents rather than three householders or freeholders to act as jail

inspectors. Amends TCA Title 8, Chapter 26; Titles 4, 39, 40, 41. by *Odom.

***House Bill No. 265** -- Capital Punishment -- Decreases from 90 to 85 days time period after final judgment for trial court to certify record relating to punishment in case where defendant who was sentenced to death has not appealed conviction. Amends TCA Titles 39, 40. by *Odom.

***House Bill No. 266** -- Handicapped Persons -- Authorizes special enforcement units to enforce handicapped parking laws and ordinances. Amends TCA Title 55, Chapter 21. by *Odom.

***House Bill No. 267** -- DUI/DWI Offenses -- Increases minimum fines for offense of driving under influence of intoxicant; makes certain vehicles used in second or third DUI subject to forfeiture. Amends TCA Title 40, Chapter 33, Part 2; Title 55, Chapter 10, Part 4. by *Rigsby.

***House Bill No. 268** -- Auctions and Auctioneers -- Deletes requirement auctioneer commission furnish official manual to each applicant for license as auctioneer or as apprentice auctioneer. Amends TCA 6219-110. by *Rigsby.

***House Bill No. 269** -- Auctions and Auctioneers -- Deletes requirement that nonresident auctioneer must maintain escrow account in Tennessee. Amends TCA 6219-117. by *Rigsby.

***House Bill No. 270** -- Alcoholic Beverages -- Removes requirement that county hours of sale for beer be same as city that has approved liquor by the drink sales. Amends TCA 57-5-301. by *Rigsby.

***House Bill No. 271** -- Historical Sites -- Requires law to alter or remove historical marker from state or other sites. Amends TCA Title 4, Chapter 13. by *Rigsby.

House Bill No. 272 -- State Government -- Recognizes English as official and legal language which is to be used solely in all public records and public meetings. Amends TCA 4-1-404. by *Davidson.

House Bill No. 273 -- Cemeteries -- Increases penalty for cemetery vandalism from Class E to Class C felony. Amends TCA 46-2-105. by *Rinks, *Davidson.

***House Bill No. 274** -- Tobacco, Tobacco Products -- Allows local government to regulate tobacco products; deletes language added last year for state preemption except to allow Davidson County, utility districts and special school districts to regulate use in buildings and to allow retail establishments located with enclosed shopping mall to regulate use in such person's establishment. Amends TCA 39-17-1551. by *Odom.

***House Bill No. 275** -- Pensions and Retirement Benefits -- Prohibits members of general assembly elected after July 1, 1995, from becoming members of TCRS, based on legislative service. Amends TCA Title 8, Chapters 34, 35. by *Newton.

*House Bill No. 276 -- Sentencing -- Elevates assault on law enforcement officer resulting in bodily injury from Class A misdemeanor to Class E felony. Amends TCA Title 39, Chapter 13, Part 1. by *Huskey.

*House Bill No. 277 -- Pensions and Retirement Benefits -- Allows TCRS members to repay withdrawn creditable service contributions one year at a time, rather than in single lump sum. Amends TCA Title 8, Chapter 37, Part 2. by *Huskey.

*House Bill No. 278 -- Alcoholic Offenses -- Requires suspension of driver license of 18 to 20 year old for consumption of alcoholic beverages or beer in addition to present law suspending license for conviction for purchase, attempt to purchase or possession. Amends TCA 13-113, 55-10-701, 57-4-203, 57-5-301. by *Kisber.

House Bill No. 279 -- Taxes, Sales -- Exempts helicopter sales and repairs from sales and use tax if helicopter is removed from state within 15 days of purchase or has its situs outside Tennessee. by *Kisber, *Bragg, *Ramsey, *Jones R (Shelby), *Whitson, *Westmoreland, *Venable, *Purcell, *West, *Turner (Hamilton), *Davis, *Rhinehart, *Patton, *Hicks, *Cole (Carter), *Ford, *Givens.

*House Bill No. 280 -- Taxes -- Clarifies intent of state not to tax interstate commerce. Amends TCA Title 67. by *Kisber.

House Bill No. 281 -- Firearms and Ammunition -- Lowers optional surety bond for constables from \$50,000 to \$10,000 for handgun permit; lowers required annual training hours from 8 to 4; caps maximum fee sheriff may charge at \$50.00 if training conducted by or at expense of county. Amends TCA Title 39, Chapter 17, Part 13. by *Clabough.

*House Bill No. 282 -- Taxes, Real Property -- Provides that recordation tax not due until title to property transferred by deed. Amends TCA 67-4-409. by *Clabough.

House Bill No. 283 -- Hospitals and Health Care Facilities -- Requires commissioner of health to promulgate regulations setting standards for health care facilities which treat children. Amends TCA Titles 33, 37, 63, 68. by *Clabough.

House Bill No. 284 -- Mental Illness -- Authorizes department of mental health and mental retardation to license mental health facilities as qualified to receive TennCare patients. Amends TCA Titles 33, 47, 48, 68, 71. by *Clabough.

House Bill No. 285 -- Utilities, Utility Districts -- Authorizes commissioners of South Blount County utility board by resolution to increase per diem for not more than 12 meetings to rate not exceeding \$250 per meeting for district having more than 3,000 users and \$100 per meeting for district having 3,000 or fewer users. Amends TCA Title 7, Chapter 82. by *Clabough.

*House Bill No. 286 -- Lewis County -- Subject to local approval, authorizes hotel motel tax. by *White.

House Bill No. 287 -- Local Government, General -- Declares human resource agency to be body politic for public and governmental purpose. Amends TCA 1326-105. by *Rhinehart.

House Bill No. 288 -- Welfare -- Enacts "Personal Responsibility and Employment Demonstration Program Act." Amends TCA Title 71, Chapter 3. by *Ramsey.

***House Bill No. 289** -- Welfare -- Requires AFDC applicant and/or recipient to act, expeditiously and in good faith, in identifying father of dependent child for whom assistance is sought or in assisting in identification efforts to establish paternity; provides for denial or reduction of benefits. Amends TCA Section 71-3-124. by *Ramsey, *Haley, *Shirley.

House Bill No. 290 -- Education -- Enacts "Parent and Teacher Empowerment Act of 1995." Amends TCA Title 49. by *Ramsey.

***House Bill No. 291** -- Alcoholic Offenses -- Prohibits possession of open container of alcoholic beverage or beer by passenger in front seat; applies unless in closed glove compartment, trunk or other nonpassenger area; does not limit penalties authorized by law for violation of municipal ordinance or county resolution. Amends TCA 55-10-416. by *Roach, *Williams (Union), *Boyer, *Dunn, *Venable.

***House Bill No. 292** -- Annexation -- Requires all ordinances or petitions for annexation to be approved in referendum only of qualified voters in territory proposed for annexation; referendum to be paid for by annexing municipality. Amends TCA Title 6, Chapter 51. by *Boyer, *Roach, *Williams (Union).

***House Bill No. 293** -- County Officers -- Authorizes county trustee in Knox County to receive compensation for receiving and distributing tax payments unless county legislative body adopts resolution by 2/3 vote; authority to receive such compensation ceases on first day of month following adoption of resolution. Amends TCA 676-712. by *Boyer, *Westmoreland, *Williams (Union).

***House Bill No. 294** -- DUI/DWI Offenses -- Makes vehicle used in third or subsequent DUI subject to forfeiture by department of safety; allocates percentage of proceeds from such forfeitures to defray additional expenses of forfeiture hearings. Amends TCA Title 40, Chapter 33, Part 2, and TCA Title 55, Chapter 10, Part 4. by *Boyer, *Dunn, *Roach, *Williams (Union).

***House Bill No. 295** -- Education -- Creates liability insurance for school volunteers assisting schools, teachers and administrators. Amends TCA Title 49, Chapter 5, Part 3. by *Boyer, *Westmoreland, *Dunn, *Roach, *Williams (Union).

House Bill No. 296 -- Motor Vehicles, Titling and Registration -- Removes restrictions which limit motorists with special plates from obtaining multiple plates. Amends TCA Title 55, Chapter 4. by *Stulce.

***House Bill No. 297** -- Apportionment, Legislative -- Transfers City of Berry Hill in Davidson County from Senate District 19 to

WEDNESDAY, FEBRUARY 1, 1995 -- THIRD LEGISLATIVE DAY

Senate District 21. Amends TCA Section 3-1-102. by *Pruitt, *Purcell.

House Bill No. 298 -- Criminal Offenses -- Establishes drug free school zones by enhancing penalty for drug offenses occurring within 1,000 feet of school; requires full service of minimum sentence. Amends TCA Title 39, Chapter 17, Part 4; 40-35-114. by *DeBerry L.

House Bill No. 299 -- Highway Signs -- Directs Department of Transportation to revise or supplement highway signs on Memphis/Arkansas Bridge (I55) and Hernando DeSoto Bridge (I-40) in Memphis to include legend "Home State of Vice President Al Gore". by *DeBerry L..

***House Bill No. 300** -- Nurses, Nursing -- Extends authority of nurses, employed by a primary health care center, to issue oral contraceptives or drugs relating to sexually transmitted diseases. Amends TCA 63-7-124. by *DeBerry L.

***House Bill No. 301** -- Energy -- Permits, rather than requires, cities and counties to adopt and enforce state code for energy conservation; permits cities and counties to set less strict standards than those in state code. Amends TCA 13-19-105, 106. by *West.

***House Bill No. 302** -- Purchasing -- Establishes thresholds for use of competitive bidding in local governments with population over 150,000. Amends TCA Title 12, Chapter 3, Part 10. by *West.

***House Bill No. 303** -- Emergency Communications Districts -- Permits municipal legislative body to form 911 or emergency communication district boards; permits municipal representation on existing county 911 boards. Amends TCA Title 7, Chapter 86, Part 1. by *Kisber.

***House Bill No. 304** -- Railroads -- Requires department of transportation to build flashing warning lights and warning gates at or near crossings where such crossing is within two miles of schools, where crossing intersects with road that is primary route to school or road is being used by train between 7:00 a.m. and 6:00 p.m. Amends TCA Title 65, Chapter 11, Part 1. by *Ritchie.

***House Bill No. 305** -- Tort Liability -- Declares that comparative fault doctrine shall not apply in cases brought under strict liability. Amends TCA Title 29, Chapter 11. by *Ritchie.

***House Bill No. 306** -- Welfare -- Revises eligibility requirements and other provisions under AFDC program. Amends TCA Title 71. by *Ritchie.

***House Bill No. 307** -- DUI/DWI Offenses -- Increases from Class C to Class B felony, vehicular homicide as result of intoxicated driver. Amends TCA Section 39-13-213. by *Ritchie.

***House Bill No. 308** -- Sexual Offenses -- Enacts "Tennessee Standardized Treatment Program for Sex Offenders." Amends TCA Title 39. by *Ritchie.

*House Bill No. 309 -- Lobbying, Lobbyists -- Imposes certain disclosure requirements for lobbyists. Amends TCA Title 3, Chapter 6. by *Ritchie.

*House Bill No. 310 -- Education -- Allows LEAs to provide interest free loans to teachers seeking postgraduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by *Ritchie.

*House Bill No. 311 -- Sunshine Law -- Enacts "Open Meetings Act." Amends TCA Title 8, Chapter 44, Part 1. by *Ritchie.

*House Bill No. 312 -- Civil Procedure -- Allows injured party in civil action to use affidavit(s) by treating physician(s) addressing issue in necessary medical expenses within 90 days before trial, and allows defendant to counter affidavits within 45 days before trial. Amends TCA 24-5-113(b). by *Ritchie.

*House Bill No. 313 -- Tobacco, Tobacco Products -- Allows local government to regulate tobacco products; deletes language added last year for state preemption except to allow Davidson County, utility districts and special school districts to regulate use in buildings and to allow retail establishments located with enclosed shopping mall to regulate use in such person's establishment. Amends TCA Title 39, Chapter 17. by *Ritchie.

*House Bill No. 314 -- Workers' Compensation -- Allows employers to require employees to make co-payments on employer's workers' compensation policy; removes requirement that employer provide medical care to injured worker free of charge. Amends TCA Title 50, Chapter 6. by *Ritchie.

*House Bill No. 315 -- Taxes -- Permits exemption of real and personal property from ad valorem taxation. Amends TCA Title 67, Chapter 5. by *Ritchie.

*House Bill No. 316 -- DUI/DWI Offenses -- Makes it per se illegal to drive motor vehicle with BAC of .10 percent or greater. Amends TCA Title 55, Chapter 10. by *Ritchie.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, the bills listed below passed second consideration and were referred by the Speaker to the Appropriate Committee or Held on the Clerk's desk as noted:

*House Bill No. 107 -- Law Enforcement -- House Judiciary Committee

*House Bill No. 108 -- Corporations, Not for Profit -- House Commerce Committee

House Bill No. 109 -- Algood -- Local Bill Held on House Desk

*House Bill No. 110 -- Welfare -- House Health and Human Resources Committee

WEDNESDAY, FEBRUARY 1, 1995 -- THIRD LEGISLATIVE DAY

*House Bill No. 111 -- Employees, Employers -- House Consumer and Employees Affairs Committee

House Bill No. 112 -- General Assembly -- House State and Local Government Committee

House Bill No. 113 -- Taxes, Income -- House Finance, Ways and Means Committee

*House Bill No. 114 -- Capital Punishment -- House Judiciary Committee

*House Bill No. 115 -- Criminal Procedure -- House Judiciary Committee

*House Bill No. 116 -- State Prisoners -- House Judiciary Committee

*House Bill No. 117 -- Child Abuse -- House Health and Human Resources Committee

*House Bill No. 118 -- Hospitals and Health Care Facilities -- House Health and Human Resources Committee

House Bill No. 119 -- Maury County -- Local Bill Held on House Desk

*House Bill No. 120 -- Public Officials -- House Commerce Committee

*House Bill No. 121 -- Taxes, Sales -- House Finance, Ways and Means Committee

*House Bill No. 122 -- Local Education Agency -- House Education Committee

*House Bill No. 123 -- Managed Care Organizations -- House Commerce Committee

*House Bill No. 124 -- Criminal Offenses -- House Judiciary Committee

CONSENT CALENDAR

House Joint Resolution No. 23 -- Memorials, Recognition and Thanks -- Mark Stansberry, Interim President, Shelby State Community College. by *Jones R (Shelby), *DeBerry J, *Miller.

House Joint Resolution No. 24 -- Memorials, Professional Achievement -- James H. Boyd, Principal of the Year, Shelby County. by *Jones R (Shelby).

House Joint Resolution No. 25 -- Memorials, Professional Achievement -- Olander Franklin, Chief Inspector, Memphis Police Department. by *Jones R (Shelby).

House Joint Resolution No. 26 -- Memorials, Professional Achievement -- Luke Yancy, promotion to Executive Vice President, Union Planters Bank. by *Jones R (Shelby).

House Joint Resolution No. 27 -- Memorials, Death -- Wilma Rudolph. by *Jones R (Shelby), *DeBerry J.

House Joint Resolution No. 28 -- Memorials, Recognition and Thanks - Rendezvous Restaurant. by *Jones R (Shelby), *Naifeh, *Head, *McMillan.

House Joint Resolution No. 30 -- Memorials, Professional Achievement -- Reba F. Akins, Mayor, Westmoreland. by *McDonald.

House Joint Resolution No. 31 -- Memorials, Sports --White House High School football team, TSSAA Class 3-A state playoffs. by *McDonald.

House Joint Resolution No. 32 -- Memorials, Sports -- 1994 Portland High School girls' volleyball team. by *McDonald.

House Joint Resolution No. 33 -- Memorials, Sports -- Warren County 1993 15-year old Babe Ruth baseball team. by *Rhinehart, *Curtiss.

House Joint Resolution No. 34 -- Memorials, Academic Achievement -- Rebecca Workman, winner, State Junior Beta Club Oration Content. by *Ford.

House Joint Resolution No. 35 -- Memorials, Professional Achievement -- Bob Willis, "Farmer of the Year." by *Lewis.

House Resolution No. 2 -- Memorials, Death -- James Harold Bell. by *Herron.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltzman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Jones U (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Walley, **House Bill No. 11** was recalled from the Education Committee and withdrawn from the House.

On motion of Rep. Walley, **House Bill No. 15** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 37** was recalled from the Education Committee and withdrawn from the House.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that in accordance with Tennessee Code Annotated Section 50-7-506, a copy of the Unemployment Insurance Trust Fund Balance Report has been submitted and is on file with the Clerk's Office.

REPORT FILED

The Clerk announced that the report of the Special Committee created pursuant to House Joint Resolution No. 461 of the ninety-eighth General Assembly to study the state's Underground Storage Tank Program has been submitted and is on file with the Clerk's Office.

**COMMUNICATION
AMENDMENTS TO COURT RULES**

The Supreme Court of Tennessee at Nashville

In Re: Amendments to Court Rules

ORDER

The Court hereby adopts the attached Rules of Civil Procedure and Appellate Procedure effective July 1, 1995.

This 1st day of February, 1995.

Riley Anderson, Chief Justice
Frank F.

Drowata, Jr., Justice

Lyle Reid, Justice
A. A. Birch,

Justice

Penny J. White, Justice

RECEIVED:

Burney T. Durham, Chief Clerk of the House of Representatives
February 1, 1995

COMMUNICATION

AMENDMENTS TO COURT RULES

The Supreme Court of Tennessee at Nashville

In Re: Amendments to Court Rules

ORDER

The Court hereby adopts the attached Rules of Criminal Procedure effective July 1, 1995.

This 1st day of February, 1995.

FOR THE COURT:

Riley Anderson, Chief Justice

RECEIVED:

Burney T. Durham, Chief Clerk of the House of Representatives
February 1, 1995

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 14: Rep(s). Buck, Jackson, and Williams (Williamson) as prime sponsor(s).

House Joint Resolution No. 23: Rep(s). Miller and DeBerry, J as prime sponsor(s).

House Joint Resolution No. 27: Rep(s). DeBerry, J as prime sponsor(s).

House Joint Resolution No. 28: Rep(s). Naifeh, Head, and McMillan as prime sponsor(s).

House Joint Resolution No. 29: Rep(s). Newton as prime sponsor(s).

House Bill No. 19: Rep(s). Buck, Jackson and Williams (Williamson) as prime sponsor(s).

House Bill No. 23: Rep(s). Buck, Jackson, and Williams (Williamson) as prime sponsor(s).

House Bill No. 24: Rep(s). Buck, Jackson, and Williams (Williamson) as prime sponsor(s).

House Bill No. 114: Rep(s). Newton as prime sponsor(s).

House Bill No. 115: Rep(s). Newton as prime sponsor(s).

House Bill No. 116: Rep(s). Newton as prime sponsor(s).

House Bill No. 132: Rep(s). Buck, Jackson, and Williams (Williamson) as prime sponsor(s).

House Bill No. 405: Rep(s). McDaniel as prime sponsor(s).

**MESSAGE FROM THE SENATE
February 1, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 23; adopted for concurrence.

CLYDE W.

McCULLOUGH, JR. Chief Clerk.

Senate Joint Resolution No. 23 -- Memorials, Sports -- Coach Richard D. Pickell, Harriman High School boys' basketball team. by *O'Brien.

**MESSAGE FROM THE SENATE
February 1, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 2, 3, 4, and 11; all signed by the Speaker.

CLYDE W.

McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 1, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 28; for the signature of the Speaker.

CLYDE W.

McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 1, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, and 35.

BETTY KAY

FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
February 1, 1995**

The following bills have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 2, 3, 4, and 11.

BETTY KAY

FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J, DeBerry L, Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones R (Shelby), Jones S, Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie., Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, February 2, 1995.